IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 2727 of 2005

Between:

D. Sura, S/o. Golu, Conductor,
E.No. 201667 R/o. Nalgonda District.

..... PETITIONER

AND

1. The Regional Manager, A.P.S.R.T.C., Nalgonda Region,

Nalgonda District.

2 The Depot Manager, A.P.S.R.T.C., Kodad Depot, Nalgonda

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings No. PA/62(121)/94-KDD dated 6-12-1994 as illegal and arbitrary and set aside the same with a consequential direction to release the all benefits.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 and 2: MR.V.T.M.PRASAD (SC FOR APSRTC)

The Court at the admission stage made the following Order:

The petitioner has been working as a conductor in the respondent-Corporation. A charge memo dated 28.11.1993 was issued to him alleging certain cash and ticket irregularities. The petitioner submitted his explanation. The grievance of the petitioner is that the respondents without considering the explanation and without conducting any enquiry, passed the impugned order dated 06.12.1994 stopping two annual increments with cumulative effect. The petitioner, therefore, approached this Court through this writ petition to declare that the proceedings of the second respondent dated 06.12.1994 as illegal, arbitrary and violative of principles of natural justice.

The petitioner contends that the punishment imposed on him is a major penalty. It cannot be imposed without conducting any enquiry. The first respondent without conducting any enquiry imposed the said punishment. Hence, it amounts to violation of the rules as well as the principles of natural justice. The respondents did not place any material to show whether any enquiry was conducted subsequent to the explanation filed by the petitioner. In the absence of such material, it has to be held that the first respondent failed to follow the procedure prescribed under the rules and regulations. Therefore, the impugned order dated 06.12.1994 is not sustainable under law.

Having regard to the facts and circumstances of the case, I am inclined to modify the punishment of stoppage of two increments with cumulative effect imposed on the

petitioner into one of stoppage of two increments without cumulative effect. However, the petitioner is not entitled for any monetary benefits from the date of impugned order till the date of this order.

The writ petition is accordingly disposed of. No order as to costs.

17.02.2005

usd

To

1. The Regional Manager, A.P.S.R.T.C., Nalgonda Region,

Nalgonda District.

2 The Depot Manager, A.P.S.R.T.C., Kodad Depot, Nalgonda

District.

3 Two CD copies.